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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,406	02/20/2004	Shlomo Ruvane Frieman		6344

7590 08/25/2004

Shlomo R. Frieman  
139 South Mansfield Avenue  
Los Angeles, CA 90036

EXAMINER
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COLLINS, DOLORES R

ART UNIT	PAPER NUMBER
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3712

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary****Application No.**

10/783,406

**Applicant(s)**

FRIEMAN, SHLOMO RUVANE

**Examiner**

Dolores R. Collins

**Art Unit**

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 2/20/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claims 13-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear which/how two numbers will be selected for the mathematical problem when 3 or more dice are rolled.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 5-8, 11 & 12 rejected under 35 U.S.C. 102(b) as being anticipated by  
Caughie et al. (975).  
Caughie et al. discloses a Football game Board.

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Regarding claim 5

Caughie teaches a game that uses dice with a plurality of sides (faces) including some that are at least equal to 10 (see figures 1B-1F). Caughie further teaches integer values within the range of  $-1$  to  $-N1$  (see figures 1D-1F).

Regarding claims 6 & 11

Caughie teaches a game that uses dice with a 10 sides (faces) (see figure 1B (2) and 1A (8) 7 col. 2, lines 36-39).

Regarding claims 7 & 12

Caughie teaches a game that uses dice with 12 sides (faces) (see col. 4, lines 64-68).

Regarding claim 8

Caughie teaches a game that uses dice with a plurality of sides (faces) including some that are at least equal to 10 (see figures 1B-1F). Caughie further teaches integer values within the range of  $-1$  to  $-N2$  (see figures 1D-1F).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morales (091) in view of Heckman (168).

Morales discloses Integer Cards.

Regarding claims 1, 4, 17 & 18

Morales teaches sets of playing cards with a rear and playing face (see figures 2 & 3), each set comprising of  $2M+1$  cards (where  $M=6$ ) (see figure 1), each set displaying integers in the range of  $-M$  to  $M$  (see figure 1). Morales fails to teach  $M$  being an integer at least equal to 10.

Heckman (168) discloses a Mathematical Instruction Means. Heckman teaches cards with integer values that could be 10 and higher. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Morales to include integers at least equal to 10 (or higher) in order to accommodate more complex mathematical problems.

Regarding claims 2, 3 & 19

Morales fails to teach M being an integer that is equal to 12 or 13.

Heckman (168) discloses a Mathematical Instruction Means. Heckman teaches cards with integer values that could be 10 and higher. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Morales to include decks with integers equal to 12 or 13 in order to accommodate more specific intended use in complex mathematical problems.

Regarding claim 20

Morales teaches that the cards in his deck have symbolic indicia representing numerical value as well as a pictorial indicia of a numerical value (see figure 1).

3. Claims 9 & 10 rejected under 35 U.S.C. 103(a) as being unpatentable over Caughie et al. (975) as applied to claim 5 above, and further in view of Heckman (168).

Caughie et al. discloses a Football game Board.

Caughie teaches a game that uses dice with a plurality of sides (faces) including some that are at least equal to 10 (see figures 1B-1F). Caughie further teaches integer values within the range of  $-1$  to  $-N$  as well as integers within the range of 1 to  $N$  (see figures 1D-1F), regardless of the number of faces.

Caughie fails to teach dice with mathematical operations thereon.

Heckman (168) discloses a Mathematical Instruction Means. Heckman teaches the use of dice with mathematical operations thereon (see figure 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include dice with mathematical operations thereon to the game of Caughie to facilitate simplification of cumulative movement during game play.



4. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heckman (168) in view of Caughie et al. (975).

Heckman (168) discloses a Mathematical Instruction Means. Heckman teaches the use of dice with mathematical operations thereon (see figure 2). Applicant's method of play, as understood, is anticipated by Heckman and is illustrated in Figure 7 where two numbered dice plus an operation die are used to solve a mathematical problem. Heckman, however, fails to teach dice with multiple sides (faces).

Caughie et al. discloses a Football game Board.

Caughie teaches a game that uses dice with a plurality of sides (faces) including some that are at least equal to 10 (see figures 1B-1F). Caughie further teaches integer values within the range of  $-1$  to  $-N$  as well as integers within the range of  $1$  to  $N$  (see figures 1D-1F), regardless of the number of faces.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include dice with multiple sides (faces) to the game of Heckman to provide accommodate a wider range of integers for his mathematical problems.

**Conclusion**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited to show the state of art with respect to features of the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Dolores R. Collins** whose telephone number is **(703) 308-8352**. The examiner can normally be reached on 8.00 A.M. - 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Derris Banks** can be reached on **(703) 308-1745**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866-217-9197** (toll-free).

  
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August 20, 2004

  
DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700